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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,387	09/30/2003	Yih-Yuan Lan	TAIW 172	3747

7590 11/02/2004

RABIN & BERDO, P.C.
Suite 500
1101 14 Street, N.W.
Washington, DC 20005

EXAMINER

FISHMAN, MARINA

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AD

Office Action Summary	Application No.	Applicant(s)	
	10/673,387	LAN ET AL.	
	Examiner	Art Unit	
	Marina Fishman	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 0203 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/30/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General status

1. This is a First Action on the Merits. Claims 1 - 19 are pending in the case and are being examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "U-shaped or an inverse U-shaped path" recited in claims 3 and 13, "a N-shaped or an inverse N-shaped path" recited in claims 5 and 15, "a Z-shaped or an inverse Z-shaped path" as recited in claims 4, and 116 and "a H-shaped path" recited in claims 6 and 17, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "53" has been used to designate both "first circuit" and "first line"; and reference character "54" has been used to designate both "second circuit" as well as "second line" (instant specification page 4, lines 15-18). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1 – 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 1 and 9, lines 2-3, it is not clear what is meant by recitation "positive rotation, reverse rotation or rotation speed". Is the rotation speed associated with the "positive or reverse rotation" or it is independent of the "positive or reverse rotation"?

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Neaves [US 5,644,114].

Neaves discloses a shifting mechanism for electric vehicle mounted on an electric vehicle to couple with a plurality of circuit switches to control switches for positive rotation, reverse rotation and rotation speed comprising:

- an operation bar [18] having a hand grip section [20] at an upper end and a free end [26] on a lower end movable to press one of the circuit switches [14, 16];
- a guiding means [12, 20a] fixedly mounted on the electric vehicle for guiding the free end of the operating bar to move reciprocally in a first moving path (from position A to B in Figure

1] and a second moving path [from position A to C] to operate rotation speed control switch [14] and positive rotation or reverse rotation switch [16].

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 - 8, 10 -19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neaves [US 5,644,114] in view of Rayner [US 3,639,705].

Neaves discloses a shifting mechanism for electric vehicle mounted on an electric vehicle to couple with a plurality of circuit switches to control switches for positive rotation, reverse rotation and rotation speed comprising:

- an operation bar [18] having a hand grip section [20] at an upper end and a free end [26] on a lower end movable to press one of the circuit switches [14, 16];
- a guiding means [12, 20a] for restricting the free end of the operating bar to move reciprocally in a first moving path (from position A to B in Figure 1) and a second moving path [from position A to C] to operate rotation speed control switch [14] and positive rotation or reverse rotation switch [16].

Regarding claim 1 Neaves discloses the instant claimed invention except for the

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operation bar being connected to the electric vehicle by a universal joint. Rayner discloses a switch control bar [10] with a guiding plate [18], a boss [12] and trough arrangement (portion of plate 14) forming a universal joint connected to the switches [36-42]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a universal joint in the operating system of Neaves as taught by Rayner so that more than two switches can be controlled.

Regarding claims 10 – 12 and 19 Neaves discloses the instant claimed invention except for a boss in the operation bar and trough in the guiding means. Rayner, discloses a switch control bar [10] with a guiding plate [18], a boss [12] and trough arrangement (portion of plate 14) forming a universal joint connected to the switches [36-42]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the boss in the operation bar and the trough in the guiding plate in Neaves, as suggested by Rayner, in order to control the movement of the operating bar.

Regarding claims 2 - 6 and 13 -17 Neaves discloses the instant claimed invention except for a bridged connection path (between the first and second connection paths) in various shapes including U-shape, inverse U-shape, Z-shape, inverse Z-shape, N-shape, inverse N-shape. Rayner [Figures 3 and 4] discloses first and second connection paths connected by a bridged connection path resulting in various shapes including U-shape, inverse U-shape, Z-shape, inverse Z-shape, N-shape, inverse N-shape. It would have been obvious to one of ordinary skill in the art to have first and second connection paths connected by a bridged connection path resulting in various

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shapes including U-shape, inverse U-shape, Z-shape, inverse Z-shape, N-shape, inverse N-shape in Neaves, as suggested by Rayner, in order in order to accommodate layout of the switches. With regard Claims 6 and 17 providing H-shape bridged connection path would have been obvious matter of design choice to accommodate layout of the switches.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kaminski et al. [US 4,401,866], Maier et al. [US 5,197,344], Schwartz et al. [US 5,742,014], Vogt et al. [US 4,531,027], and Perego [US 5,173,591], all disclose switch control mechanisms. Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

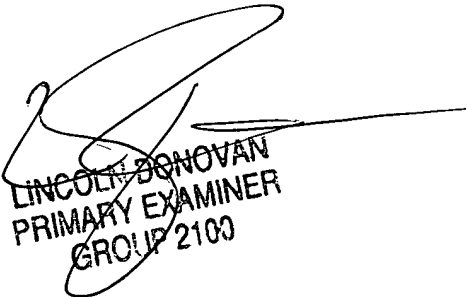
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman
October 25, 2004



LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2100